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Senate

The Senate met at 9:47 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Lord, whose fairness is intertwined with everything You do, You will right all wrongs and reward all loving service and suffering for Your sake. Thank You for each blessing You have given us. Surely You have been good to us, O Lord. You have revealed Yourself through Sacred Scripture, condensing Your thoughts and making them intelligible to humanity. You have cared enough to communicate with us in a clear and accessible way. Forgive us for our reluctance to read Your word and to meditate with listening hearts. Refresh, nourish, and teach our Senators Your thoughts that they may discover Your will and pattern for living and serving. Guide them today and give them Your peace. Help each of us to prove our gratitude for Your kindness by selfless service to those who need our love and care. We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period of

morning business for up to 1 hour. The first half of that time will be under the control of the minority leader or his designee, and the second half of the time will be under the control of the majority side of the aisle.

Following this period of morning business, the Senate will resume consideration of S. 1637, the FSC/ETI JOBS bill. Under the agreement reached last night, today the debate until noon will be equally divided between both sides.

At noon, the Senate will conduct a rollcall vote on the motion to invoke cloture on the FSC/ETI JOBS legislation. If cloture is invoked, we will go immediately to a vote in relation to the pending Cantwell amendment regarding unemployment insurance.

Senators can, therefore, expect up to two votes beginning at 12 noon today. Following those votes, the Senate will stand in recess until 2:15 for the weekly policy luncheons to occur.

I ask unanimous consent that if cloture is invoked, the time during the recess count under the provisions of rule XXII.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I thank all Members who have allowed us to proceed in this fashion. We have worked on both sides to organize today so we can bring the FSC/ETI bill to closure. I believe we will invoke cloture and we will be able to bring the bill to conclusion, hopefully, later this afternoon or early this evening.

As I stated yesterday, there will be germane amendments, and we will debate them and vote on those; thus, we anticipate additional rollcall votes over the course of the day.

I mentioned several weeks ago, and again yesterday, that we plan to begin the IDEA legislation following the completion of the FSC/ETI JOBS bill and, thus, we have a lot of work to do. I want to encourage people to consider that as we bring the FSC/ETI bill to closure.

I also want to mention a concern that I have with the Executive Calendar. Last week, we were able to confirm some of the pending ambassadorial nominations on the calendar. But still, as you look at the calendar, there are 89 additional nominations that are available for Senate consideration. As we all know, some of these are controversial and, therefore, delay is not unexpected. But the vast majority of these nominations, including many of the judicial nominations, should be cleared unanimously.

I want to take this opportunity to remind my Senate colleagues of our responsibility—the Senate's responsibility—to consider these nominations and to allow them to begin their very important work for the United States of America.

In addition to the 33 judicial nominations, there are 8 additional ambassadorships to countries such as Sweden, Brazil, South Africa, Northern Ireland, and others. So, again, I want to take this moment to bring all of this to the Senate's attention. My colleagues may come to me and ask why we are not moving. It is time to move in that direction.

I have heard the comments of the Democratic leadership regarding their concern with the nominations, and I know there are underway a number of consultations and discussions regarding this process. As we move forward, I urge my colleagues to allow us to consider some of the many noncontroversial nominations that are available so that we can fill these positions.

Mr. President, I also want to comment on last night's action by thanking my colleagues for their unanimous support for S. 356. This Senate resolution, which passed last night, condemns the abuse of Iraqi prisoners at the Abu Ghraib prison and urges a full and complete investigation to make sure that justice is served, and served in a fully transparent way.

The resolution also expresses the Senate's support for all Americans who

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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are serving so nobly in Iraq to bring freedom, democracy, and the rule of law to that country.

The resolution expressed the sentiment and views of the Senate in a clear, firm, and bipartisan manner. In particular, it made clear our expectation that the Senate be kept apprised of the ongoing investigations being conducted in the Department of Defense and of the actions being taken to ensure that these incidents never occur again.

The resolution also made clear that the appropriate committees of the Senate will be exercising their oversight responsibilities to ensure these ends. This is not just the right thing to do; this is the Senate's duty and our obligation to the American people—indeed, to the victims, to the families, and to the Iraqi people.

The Senate has already acted quickly and deliberately to address the heinous actions perpetrated by a few at the Abu Ghraib prison. Last week, the Senate Select Committee on Intelligence held a closed-door session to hear from representatives of the intelligence community regarding the CIA's role. The Senate Armed Services Committee held a full hearing last Friday on this matter with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and several other senior Defense Department officials appeared. Indeed, today, the Armed Services Committee is meeting again to receive testimony from Major General Taguba, who investigated and reported on the Abu Ghraib prison abuses.

We are also working in a bipartisan manner to address the issue of appropriate access to further evidence of the atrocities at Abu Ghraib. And at the leadership level on both sides of the aisle, we are working with the ranking member and chairman of the Armed Services Committee to establish a process whereby materials can be viewed. As well, it is likely that we will afford the Secretary of Defense another opportunity to answer questions from Senators in the near future.

I have also consulted with various committee chairmen about items that might be in their committee's jurisdiction as this investigation unfolds, so that the appropriate Senate tools are applied judiciously to buttress the work of the executive branch in getting to the bottom of this scandal, no matter where it leads.

In closing, I ensure my colleagues and the American people that the Senate will continue to hold hearings and briefings and take other steps, as necessary, to ensure that justice is served, that preventive action is taken, that those responsible are held accountable, and that all of this is done in a very fair, deliberate, and open manner.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

ADVANCING THE AGENDA

Mr. DASCHLE. Mr. President, first, I express my support for the remarks just made by the majority leader with regard to the position of the Senate on a bipartisan basis regarding the tragedy involving prisoner abuse. I hope the limited debate that was devoted to the resolution last night will not be seen by anyone as minimizing our strong feelings and the unanimity with which we wanted to express those feelings through that resolution.

I appreciate the effort made by many of our colleagues who participated in the drafting of the resolution, and I am grateful for the strong show of support expressed through the resolution last night.

We condemn these acts. We apologize to the world community for the involvement of the United States in the humiliation and the extraordinary violation of human rights that we have witnessed with the photographs themselves. We also wanted to say again that we recognize this is the exception to U.S. military deportment, not the rule, and that the vast majority of military men and women have served admirably, served their country and the cause, have advanced the goal, and have deserved our commendation and thanks. I think it is critical that we keep that in balance. I hope that as we continue to conduct oversight properly, we maintain not only the interest in holding those at the lower ends of the military echelon accountable, but I would hope we would not allow anyone to use those directly involved, whose pictures are shown, as the scapegoats for everything else that happened. I still have yet to see the degree of accountability up and down the chain of command that I would think would go without question.

We will have a lot more to say about accountability, responsibility, and those in the higher echelons of Government and the military who themselves ought to be asked to account for their actions and their decisions. In that regard, I would hope we could continue to press for even more oversight as the Armed Services Committee is doing today. Someone proposed a select committee, a bipartisan, bicameral select committee to allow for a more thorough investigation in a collective way, rather than have the scores, I guess, of subcommittees and full committees on both sides of the Congress reviewing this material.

Perhaps one committee, which could be formed with the exclusive purpose of reviewing the facts and coming to some conclusion, may be of value. I am not proposing it today. I noted that others have made this suggestion, and I think it merits our consideration.

I know the majority leader also talked about nominations. Last week, we confirmed I believe it was 19 ambassadorial nominations and a number of other executive appointments. We will continue to work with our Republican colleagues, but as many have heard me

say on countless occasions, this has to be reciprocal. We cannot be confirming nominations and dealing with the judicial appointments and all of the other things expected of us if the Democratic nominees continue to languish on the calendar and in the administration itself. We have over a dozen Democratic nominees who have not yet been given even vetting, much less the actual official nomination.

We will continue to work with our Republican colleagues and with the administration, but we have to be given the confidence that there will be reciprocity and some degree of appreciation for the need to move all nominees, regardless of political affiliation or of position.

There are two other issues I wish to talk about briefly. First of all, I wish to thank Judge Becker, who has been involved now for many months in helping the Senate find a resolution to the complicated, controversial, and complex array of challenges we face with regard to asbestos.

After the vote on asbestos a few weeks ago, Senator FRIST and I asked Judge Becker if he would be willing to engage in mediation to see if we can move forward on a number of the outstanding questions.

Judge Becker worked tirelessly for the last couple of weeks and met with Senator FRIST and me almost on a daily basis to provide us with his progress reports. We focused on claims values, projections, and the overall amount of the fund. Unfortunately, we were not able to move nearly as far as many of us would have hoped on the issue of claims values. Some movement I think was made but little on projections. Perhaps the greatest movement was made on the overall amount. Business came up a little bit, from 114, with a \$10 billion contingency, to 116, with a \$12 billion contingency. Labor came down from 154 to 134, with a \$15 billion contingency.

I am deeply troubled by the insurance industry. The insurance industry again issued a statement in the form of a letter that said they will not support a legislative response to asbestos. Their intransigence was a major problem in bringing any kind of resolution to this matter.

I am not giving up. I am pleased that Senator FRIST has agreed to meet again this week to ensure that our discussions and perhaps our negotiations can continue as well. This is too important an issue simply to say we failed. We need to keep the pressure on. We need to find a way with which to resolve these three outstanding issues in particular: the overall funding level, the issue of claims values and appropriating the necessary values to circumstances, and then certainly our projections, how many people will definitely be affected, and how can we then come to some conclusion about the other outstanding questions involving existing cases as well as what happens if the fund runs out and is sunset.